

PATENT

Atty Docket No.: 200313170-1

App. Ser. No.: 10/780,631

REMARKS

Favorable reconsideration of this application is respectfully requested in view of the claim amendments and following remarks. Claims 1, 14, 15, and 20 have been amended herein. Claim 13 has been canceled herein without prejudice or disclaimer to the subject matter contained therein. Therefore, claims 1-12 and 14-44 are pending in the present application of which claims 1, 20, 25, 34, and 39 are independent.

No new matter has been introduced by way of the amendment and entry thereof is therefore respectfully requested.

Claims 1-12 and 20-24 were rejected under 35 U.S.C. § 102(b) as allegedly being unpatentable over the disclosure contained in Russell (*Sensing Airflow by Humanoid Robot*) (hereinafter "Russell").

The Applicants note that on page 2 of the Official Action, within the body of the rejection, claim 13 is mentioned. However, the Applicants are considering this mention of claim 13 as a typographical error, because claim 13 is not mentioned in the heading of that rejection and is not addressed within the rejection. Moreover, claim 13 is clearly indicated as allowable subject matter on page 5 of the Official Action. As such, the Applicants believe that claim 13 is allowable over the cited documents of record.

This rejection is respectfully traversed.

Allowable Subject Matter

The indication that claims 25-44, as originally filed, are allowed and that claims 13-19 are objected to as being dependent upon a rejected base claim, but would otherwise be allowable if rewritten in independent form. By virtue of the amendments above, independent

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claims 1 and 20 have been amended to include the subject matter of allowable claim 13.

Therefore, the Applicants respectfully submit that independent claims 1 and 20, and the claims that depend therefrom, are in condition for allowance.

Claim Rejection Under 35 U.S.C. §102

The test for determining if a reference anticipates a claim, for purposes of a rejection under 35 U.S.C. § 102, is whether the reference discloses all the elements of the claimed combination, or the mechanical equivalents thereof functioning in substantially the same way to produce substantially the same results. As noted by the Court of Appeals for the Federal Circuit in *Lindemann Maschinenfabrick GmbH v. American Hoist and Derrick Co.*, 221 USPQ 481, 485 (Fed. Cir. 1984), in evaluating the sufficiency of an anticipation rejection under 35 U.S.C. § 102, the Court stated:

Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim.

Therefore, if the cited reference does not disclose each and every element of the claimed invention, then the cited reference fails to anticipate the claimed invention and, thus, the claimed invention is distinguishable over the cited reference.

The Official Action sets forth a rejection of claims 1-12 and 20-24 under 35 U.S.C. § 102(b) as allegedly being anticipated by Russell. This rejection is respectfully traversed because Russell fails to teach the features set forth in independent claims 1 and 20 and the claims that depend therefrom.

As set forth above, independent claim 1 has been amended to include the allowable subject matter of claim 13. Accordingly, Russell at least fails to teach at least one or more

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imaging devices positioned in the room to image the airflow indicating device, as recited in claim 1. Therefore, Russell fails to anticipate claim 1 and withdrawal of this rejection is respectfully requested. In addition, claims 2-12 and 14-19 are at least allowable by virtue of their dependence on allowable claim 1.

Moreover, independent claim 20 has been amended to include the allowable subject matter of claim 13. Accordingly, Russell fails to teach at least one or more imaging devices positioned in the room to image the plurality of movable components, as recited in claim 1. Therefore, Russell fails to anticipate claim 20 and withdrawal of this rejection is respectfully requested. In addition, claims 21-24 are at least allowable by virtue of their dependence on allowable claim 20.

Conclusion

In light of the foregoing, withdrawal of the rejections of record and allowance of this application are earnestly solicited.

Should the Examiner believe that a telephone conference with the undersigned would assist in resolving any issues pertaining to the allowability of the above-identified application, please contact the undersigned at the telephone number listed below.

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Please grant any required extensions of time and charge any fees due in connection with this request to deposit account no. 08-2025.

Respectfully submitted,

Dated: April 30, 2007

By



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